

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS GILBERT LAW,

Plaintiff,

v.

NEIL CHU, et al.,

Defendants.

Case No. 24-cv-02870-RFL

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR TERMINATING
SANCTIONS OR, IN THE
ALTERNATIVE, TO COMPEL
PLAINTIFF'S PARTICIPATION IN
DISCOVERY**

Re: Dkt. No. 38

On June 3, 2025, Plaintiff appeared in person for his noticed deposition. At the deposition, Plaintiff refused to answer questions, failed to provide any documents in response to Defendants' request for production, did not comply with instructions from the stenographer to speak more slowly, and engaged in inappropriate behavior. Based on Plaintiff's conduct, defense counsel suspended the deposition. As a result of Plaintiff's failure to meaningfully participate, Defendants filed a motion for sanctions to terminate the case or, in the alternative, to compel Plaintiff to meaningfully participate in discovery. (Dkt. No. 38.) Defendants submitted a video of the deposition and a declaration describing the events. (Dkt. No. 38-1, Exh. C.) Plaintiff's opposition does not provide any specific refutation of Defendants' account of these facts or any valid excuse for his behavior. (Dkt. No. 41.)


Plaintiff is required to fully comply with the rules of discovery, including by meaningfully participating in the deposition by answering the questions that are asked of him. Based on Plaintiff's conduct at his first deposition, there are grounds to terminate the case. However, Plaintiff will be given one final opportunity to participate in a deposition and

otherwise comply with Defendants' requests for production.

Accordingly, Defendants' request to compel Plaintiff to participate in discovery is **GRANTED**. Plaintiff is required to conduct himself in an appropriate manner in his deposition and in all interactions in this case. Also, the remainder of Plaintiff's deposition shall be conducted via videoconference. However, the request for terminating sanctions is **DENIED WITHOUT PREJUDICE** to being renewed if Plaintiff fails once more to provide the discovery required by law. If that occurs, Defendants may refile their motion and the case shall be dismissed without further notice.

IT IS SO ORDERED.

Dated: August 28, 2025



RITA F. LIN
United States District Judge